

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CLAUDIA COJOCARU and NAOMI HABER,	:
	:
Plaintiffs,	: <del><b>PROPOSED</b></del>
	: <b>ORDER</b>
	:
-against-	: 19 Civ. 5428 (AKH)
	:
CITY UNIVERSITY OF NEW YORK d/b/a JOHN	:
JAY COLLEGE OF CRIMINAL JUSTICE, et al.,	:
	:
Defendants.	:
	:
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ALVIN K. HELLERSTEIN, U.S.D.J.:

Pursuant to my March 9, 2021 order and Fed R. Civ. P. 41(a):

1. The settlement of all of Plaintiffs' claims asserted against Defendants CUNY, Ric Curtis, Anthony Marcus, Leonardo Dominguez, and Barry Spunt, other than Plaintiffs' claims against Dr. Curtis for alleged retaliation based on Dr. Curtis's assertion of counterclaims against Plaintiffs, is approved, under the following conditions:
  - a. Supplemental jurisdiction of Plaintiffs' remaining retaliation claims against Dr. Curtis and Dr. Curtis's counterclaims against Plaintiffs shall be retained by this Court.
  - b. Should supplemental federal jurisdiction of Dr. Curtis's counterclaims against Plaintiffs subsequently be found not to exist,
    - i. Plaintiffs will accept service in the Subsequent Action, and that delivery of the summons and complaint by email to David Gottlieb of Wigdor LLP shall be deemed good, acceptable and effective service on Plaintiffs; and

ii. Plaintiffs waive any argument that the dismissal of the claims from this Court and/or the re-filing of the claims in the Subsequent Action will be the basis for arguing that Dr. Curtis has failed to comply with any applicable statute of limitations.

2. WHEREFORE, it is ORDERED that all of Plaintiffs' claims asserted against Defendants CUNY, Ric Curtis, Anthony Marcus, Leonardo Dominguez, and Barry Spunt, other than Plaintiffs' claims against Dr. Curtis for alleged retaliation based on Dr. Curtis's assertion of counterclaims against Plaintiffs, are voluntarily dismissed with prejudice. The Second Amended Complaint filed by plaintiff on February 19, 2021, ECF 154, restates Plaintiffs' remaining claim for retaliation against defendant Curtis. Dr. Curtis shall file an Amended Answer limited to the claim of retaliation, and shall re-state his counterclaim and third-party complaint, by March 19, 2021.

SO ORDERED.

Dated: March 12, 2021  
New York, New York

/s/ Alvin K. Hellerstein  
ALVIN K. HELLERSTEIN  
United States District Judge